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October 10, 2007

**Official Letter to the Court
United States District Court
Charlotte, North Carolina**

RE: Justin Emch

To the Honorable Presiding Judge:

The few words that come to mind when I think of Justin Emch are **Trustworthy, Brilliant and Dependable**. I have many reasons both large and small for choosing them. First, in advance thank you so much for your time, I truly appreciate the opportunity to share with you, in the hopes that these examples help to shine some light into the person who has become such an important part of my life – Justin Emch.

Some, subtler things that instantly come to mind would be all of the “little” favors he has done for me or countless times him and his girlfriend, April, have offered (without us even asking) and dropped us off or picked us up at the airport for one of our ridiculous 3 or 4 in the morning flights. Then there are the times they showed up without even being asked to help us move from our apartment into our first new home and the countless times they have taken care of our pets, watered our plants and watched our house while we were away. To this day, Justin and April are the only two other people we would trust with the keys and alarm code to our home and the safety of our plants and pets while we are out of town because we know they have the integrity to treat it all as if it were their own.

Finally, there are the truly remarkable things that stand out both personally and professionally from the past, which I will never forget and continue to reflect upon with an overall sense of the genuinely special and caring person I have come to know, love and respect on every level.

Justin is one of the smartest and most intelligent person that I have ever met and even without a standard college education has been able to utilize his skills, raw talent and determination to turn every opportunity into a stepping stone for him to achieve success in life overall and whatever he sets his mind toward, including his dream of working at Microsoft.

I first met Justin in 2003 when I moved to Seattle from Boston for an internship with Microsoft. Justin was a vendor working for Microsoft via short-term contract with Hewlett Packard where he worked his way up from Support Analyst to Lead Analyst and ultimately Mobility Technologist where he was responsible for addressing all support escalations for that space. Even though Justin did not spend time at university, he still studied on his own and was able to achieve several certifications including: Microsoft Certified Systems Engineer (MCSE), Microsoft Certified Database Administrator (MCDBA), Certified Cisco Systems (CCNA) as well as A+, Server+ and others. Even though Justin did not spend time at university, he still studied on his own and was able to achieve several certifications including: Microsoft Certified Systems Engineer (MCSE), Microsoft Certified Database Administrator (MCDBA), Certified Cisco Systems (CCNA) as well as A+, Server+ and others. I was the new intern tasked with managing the mobile service program and was to graduate from a 5 year school with a dual Bachelor of Science Degree in Business with concentrations in both Management and Information Systems. Even though I had some what technical background but my major focus was business process and course, ultimately life lessons in general.

Justin came with very different skills than me. He was extremely technical and had amazing ideas on how to solve problems but no real understanding on how to utilize the business processes to get solutions implemented or accomplished. Ultimately, during the time we have known each other, I feel we learned a great deal from one another – in technical areas like mobile, about Microsoft's unique yet complex culture and of course, ultimately life lessons in general.

Throughout my six month internship, in many ways Justin became my support system in many ways. For example, any time I had a presentation to large group – even if I thought I was prepared or was at the very least doing a good job faking it, Justin found a way to make sure that he was always there when I was finished presenting so that when I got in over my head and needed to be rescued, Justin also continually helped me to gain confidence in areas that he knew I was making a conscious effort by providing encouragement and feedback when needed. He also helped me set and achieve goals for myself in these development areas.

I did my best to reciprocate by helping Justin create proposals and other pitches to management on ways to streamline the support process and institute analytical metrics, standard reporting templates and documented processes. I also helped Justin develop his business etiquette and broader communication skills so he could communicate broadly across organizations more effectively. We also worked on ways to outline key value adds, ROI and risk analysis and mitigation plans to ensure buy-in from his business etiquette and broader communication skills so he could communicate management on a particular project, strategy or request.

Before going home to finish with my degree, I was offered a full-time position at Microsoft and I returned to Redmond about 6 months later with my partner. Before leaving, I made sure to confide in my manager and provided an official recommendation that Microsoft hire Justin full-time due to the combination of his skills, talents and

which his girlfriend, April, continues to thank me for — regularly. Justin managed to shift the focus off of me and direct it back toward the insecure person creating the problem in one fell swoop. After we went out to dinner, we did go out to gay clubs that evening and it lives on as the night I taught Justin how to dance to the question: “Yes, actually I am — why do you ask?” But, I never had to use it because television drama, I can vividly remember being 100% prepared and armed with my reply Even though, the entire experience seemed like something out of a high school loser.”

“What, Mike? Are you crazy, of course he is gay — we were just talking about how he met his partner earlier tonight? weren’t you paying attention to anything we have been talking about? I am taking him out tonight on capitol hill with one of my friends Kevin who is gay, so we can show him some of the clubs — get with it man! Come on Joey — let’s get out of here and away from this loser.”

Justin immediately shoots me a glare and must have seen the terror in my eyes because almost instantly I remember him responding for me and although I can’t remember precisely what he said, I will never forget the feeling it gave me because I know it something along the lines of the following:

Unfortunately, our comfort was short lived and came to a screeching halt, followed by a deafening silence when our teammate shouts loudly at me — “come on man — what are you gay or something, what is wrong with you?”

During the escalation of events, Justin who knew I was gay from our previous conversations did two things to defuse the situation. First, he continued attempting to downplay the comments by openly calling them inappropriate which helped calm the waitress while diverting the attention of the other patrons who had already started to stare at us both.

I will never forget one afternoon soon after arriving to Washington State for my internship, several of our team members were out shooting pool after work. One of our colleagues was getting very drunk to the point of being belligerent. He kept repeatedly trying to get me to hit on or make a pass at one of the cocktail waitresses. I am gay had been with my partner, who was still on the east coast at the time, for several years. In fact, earlier that day we are actually discussing it in our team meeting while reviewing some of our cross-country roundtrip pictures.

Justin and I also began building a much deeper connection outside of work as well. Even on this more personal level, Justin never ceased being that genuine and sincere person that I had come to respect enormously.

Now Justin realized he could do anything he wanted with his life and only he is in the driver's seat in control of those decisions. So, it wasn't before he took action to leave Microsoft in search of something new. When I asked him questions, his responses were

achieve his dreams and a better life for himself overall.

the skills that he had to create opportunities for himself so that he could find a way to never really in complete control of his destiny, instead he just utilized what he knew and to admit it to himself. This is when it hit me that up until this point in his life, Justin was the job seemed to be burning Justin out. He knew he needed a change but was terrified

After a while long hours, office politics and the excessive travel schedule required for

made everyone at home proud but being the "successful one."

promised his mother someday - he would. Now, Justin had achieved his dream and that in all honesty his childhood dream was to work for Microsoft and he always "Congratulations, man but I am still jealous." When I asked him why, he confided in me was planning on extending an offer letter to me, I remember Justin saying:

Now, in thinking back toward the end of my internship when I found out that Microsoft demonstrated that there was a market for enterprise deployment if they could improve penetrate because it was mostly dominated by RIM/Blackberry but Justin was able to cutting edge because the mobile enterprise market was not yet truly being helping the product team gain real-world enterprise deployment experiences. This was flaws were raised earlier in the development process. In addition to this Justin was team deliver a more stable product with fewer defects to customers because those directly back into the product during its development process. This helped the product by driving end-user feedback, improved testing results and feature improvements "win-win" scenarios for each group involved and helping the customers in the process to gain more and more contacts from the product group because he was creating impacts to the bottom line and offered to build a strategic partnership. Justin continued bottom line directly into the product which is a "profit center" with positive This is because Justin reached out from his "cost center" which negatively impacts the

impossible before he came onboard to the role.

grow and build the mobile service offering into something that would have seemed it is not an exaggeration that Justin almost single-handedly used his new position to

offers to its employees.

impactful to the long-term success of the Mobility Service offering that Microsoft IT hiring decisions that I have ever made during my career at Microsoft and extremely position contractually for any extended length of time. This remains one of the best losing Justin based on the fact that HP was unwilling to guarantee job security for his term to Microsoft, if we didn't take this very important step because we would risk overall integrity. I also noted that I felt we would be doing a huge disservice longer.

that he has done. back or hoping that there will be a way for him to make amends and repair the damage he have made differently? He continues to pray for an opportunity for him to take it all have been so stupid? What could he have done to prevent this? What decisions would almost obsessed amount of attention. He tries to answer questions like, How could he To this very day, Justin does nothing but continues to focus on his mistake with an

received the call from the FBI. Justin, himself that he has not been able to sleep through the night since the day he repeatedly and I also know from my own observations and recent confirmation by The impact was subtle at first but it was like someone had knocked the wind out of him

including his family. ashamed of himself that up until only a few days ago he told only three people, scared, so disappointed, so embarrassed, so let down, so completely and utterly overall impact that this has had on him and his life. This is because Justin was and is so search warrant at his house, I have also has the unfortunate privilege of witnessing the Since, I was the first person Justin called when he learned the FBI was serving a

great to help him turn to the next page. success after his departure. I do wholeheartedly believe that his new job is going to remained dedicated to the business that he helped to build and its ultimate continued very final minute of his last day at Microsoft, Justin still put in 110% everyday and control over the ultimate direction of his life. I can assure you however that until the I am so proud of Justin for taking this step forward because it demonstrates him taking

speaks fluently. auctioned upon by the technical team through the use of the "languages" he already of the people by translating their needs and desires into something that can be between the customers and developers, Justin is able to impact the overall experience or at least inhibit these types of exchanges. Also, by becoming the liaison or translator share ideas and remove physical boundaries and obstacles that would normally prevent technology, Justin is working with is to help bring people together better collaborate, he originally was moving toward). But, I did realize that the main purpose of the new I will admit that Justin's new job is not necessarily that "far" away from technology (as

knew that he was going to make it happen — on some level. with people was a bit cliché — when I saw the look in his eyes and the determination, I Truthfully, even though initially I thought Justin's comment regarding working closer

sounds) something working more closely with people. that he only knew two things anything other than technology and (as cheesy as it

Finally, my only wish is that I have done my best friend justice by sincerely trying my very best at providing you – even a small glimpse – into the life, heart and overall person who I have come to love, admire and respect – Justin Emch. If I have succeeded in

I can guarantee the every decision after learning that lesson and forevermore will not be made so carelessly but instead will be treated with the importance and impact that it can and will have on not only your life but the life of those around you and beyond. The impact is either going to be positive or negative, now at least you know which one you are going to choose.

You are going in your life because there will be a day, guaranteed – regardless of the outcome of your case – when you are going to be able to look back on this experience and know that it was one of the hardest and most difficult lessons you have ever had to learn in your life because of a single bad decision and lack of judgment. You have achieved and all that you have yet to achieve. Focus on your future and where you have done so many great things in his life for both himself and for others. Think of all committed this crime. Focus on the fact that the person you are now has come so far to focus on the person you have become because it is not the same person who I say yes, your mistake was not only a crime but a serious one. However, now you need I do my very best to talk Justin down and try to get him to refocus on what is important.

I have heard Justin say repeatedly, I will do anything they want me to do to prove myself – anything. I will give them access to any and all aspects of my life but I don't know what else I can do. I wish there was something, anything...

I know from our discussions that Justin not only understands the potential consequences completely but also has a far different understanding of life in general including what it means to have good judgment. He now understands that there are other options and ways for him to achieve his goals without cutting corners and especially breaking the law.

I have done my very best to demonstrate to him that this is not that person any more. He has come so far and has grown so much since the time he made that decision. He cannot allow a mistake he made in his past define the person he is today. He is no longer the naive, immature ignorant person who did not either truly understand or even adequately access the potential consequences that could and would follow his action.

Actually imprisoned himself and paralyzed the only person who can positively impact his integrity as a man. This was hard for me to understand at first but I have come to realize that through his own obsessing, worrying and negative energy – Justin has life and the decisions in it – himself.

I learned recently that the root of his worries are less about himself and the impact of consequences but instead focused on how these consequences would impact the people he loves so dearly and their overall view and opinion of him as person, and his integrity as a man. This was hard for me to understand at first but I have come to realize that through his own obsessing, worrying and negative energy – Justin has actually imprisoned himself and paralyzed the only person who can positively impact his integrity as a man. This was hard for me to understand at first but I have come to realize that through his own obsessing, worrying and negative energy – Justin has life and the decisions in it – himself.



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Windows Live

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Proud Best Friend of Justin Merch

Sincerity and Respectfully,

providing just a glimpse, I am so very confident that you will find it in your heart to show him some leniency because being as objective as I can possibly be while still fully admitting to having my own bias, I still truly feel based on what I have witnessed, Justin has learned from his mistakes and suffered enough. It is my only hope that you agree.

Your honor - I am humbly grateful for this opportunity. Thank you so very much for taking the time to hear my thoughts and taking them into account during your deliberations and sentencing decisions.